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SCSL-03-01-A

10474

(10474-10477)



THE SPECIAL COURT FOR SIERRA LEONE

THE APPEALS CHAMBER

Before: Justice Shireen Avis Fisher, Presiding Judge
Justice Emmanuel Ayoola
Justice George Gelaga King
Justice Renate Winter
Justice Jon M. Kamanda
Justice Philip Nyamu Waki, Alternate Judge

Registrar: Ms. Binta Mansaray

Date: 6 December 2012

Case No.: SCSL-2003-01-A

THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

PUBLIC

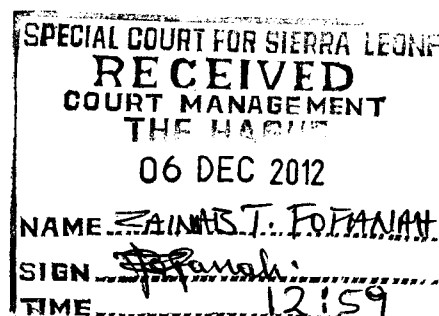
**URGENT DEFENCE MOTION TO RECLASSIFY PART OF PUBLIC ANNEX I TO ITS
RULE 115 MOTION AS CONFIDENTIAL**

Office of the Prosecutor:

Ms. Brenda J. Hollis
Mr. Nicholas Koumjian
Mr. Mohamed A. Bangura
Ms. Nina Tavakoli
Ms. Ruth Mary Hackler
Ms. Ula Nathai-Lutchman
Mr. James Pace
Mr. C6man Kenny
Ms. Leigh Lawrie
Mr. Alain Werner
Ms. Kathryn Howarth
Ms. Ann Ellefsen-Tremblay

Counsel for Charles G. Taylor:

Mr. Morris Anyah
Mr. Eugene O'Sullivan
Mr. Christopher Gosnell
Ms. Kate Gibson
Ms. Magda Karagiannakis



1. The Defence hereby files this urgent motion to reclassify a publicly filed page to one filed confidentially,¹ in respect of its Rule 115 Motion.²
2. Annexed to the Rule 115 Motion was some of the proposed additional evidence,³ including a Declaration of Ms. Alexandra Popov,⁴ appending three images in connection with a reception for the Judges of Trial Chamber II of the Special Court held on 31 May 2012.⁵ Appended to that declaration as Figure 1, is a copy of the email invitation to the reception⁶ which reveals the email addresses of two court staff members, as well as the telephone numbers of one.
3. These personal details were inadvertently not redacted from Figure 1. The Defence has made it a practice to redact or file confidentially, documents which reveal the email addresses or telephone numbers of court officials and staff,⁷ and it wishes to remain consistent with its usual practice.
4. As such, the Defence respectfully: (i) requests that Figure 1 be reclassified as confidential, or redacted as far as these contact details are concerned, in order to ensure the privacy of both court staff members and (ii) seeks an order to recall all distributed copies of the Rule 115 Motion and to re-circulate it with a redacted version of the page in question or, if in unredacted form, the inclusion of the said page in the confidential section of the Rule 115 Motion.⁸

¹ An earlier version of this motion was filed before the Pre-Hearing Judge, Justice Shireen Avis Fisher, with the *proviso* that it was being filed without prejudice to *Prosecutor v. Taylor*, SCSL-03-01-A-1354, Charles Ghankay Taylor's Motion for Disqualification of Justice Shireen Avis Fisher from Deciding the Defence Motion to Present Additional Evidence Pursuant to Rule 115, 30 November 2012 ("Disqualification Motion"). See, *Prosecutor v. Taylor*, SCSL-03-01-A-1359, Urgent Defence Motion to Reclassify Part of Public Annex I to Its Rule 115 Motion as Confidential, 4 December 2012 ("Original Re-classification Motion"). The Pre-Hearing Judge declined to rule on "any pending issue relevant to the [Defence] Rule 115 Motion" and did not refer the Original Re-classification Motion to the Appeals Chamber, but instead, granted "leave to the Defence to refile the motion before the Appeals Chamber." See, *Prosecutor v. Taylor*, SCSL-03-01-A-1362, Leave to Refile Urgent Defence Motion to Reclassify Part of Public Annex I to Its Rule 115 Motion as Confidential, 5 December 2012 ("Leave to Refile Order"), page 2. It is in accordance with the Leave to Refile Order that the Defence brings forth this motion before the full Appeals Chamber, but with the same *proviso* that, in respect of the Pre-Hearing Judge, Justice Shireen Avis Fisher, it is being filed without prejudice to the Disqualification Motion.

² *Prosecutor v. Taylor*, SCSL-03-01-A-1352, Public with Public Annexes A-E, G-K and Confidential Annex F Defence Motion to Present Additional Evidence Pursuant to Rule 115, 30 November 2012 ("Rule 115 Motion").

³ See, Rule 115 Motion, para. 8 and all Annexes.

⁴ A Legal Assistant on the Taylor Defence Team.

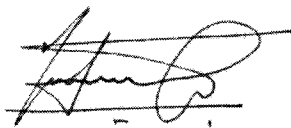
⁵ Rule 115 Motion, Public Annex I.

⁶ Rule 115 Motion, Public Annex I, CMS page 9897.

⁷ See, for example, Rule 115 Motion, Public Annexes A, D, J and K.

⁸ The Defence is amenable to proceeding in any manner deemed best suited to remedying the problem in practical terms. For example, and following the entry of any order to recall, the Defence could refile the entire Rule 115 Motion with redactions to the page in question or by including it as a confidential annex to the Rule 115 Motion.


Respectfully submitted,



Morris Anyah
Lead Counsel for
Charles G. Taylor



Eugene O'Sullivan
Co-Counsel for
Charles G. Taylor



Christopher Gosnell
Co-Counsel for
Charles G. Taylor



Kate Gibson
Co-Counsel for
Charles G. Taylor

Dated this 6th Day of December 2012, The Hague, The Netherlands

Alternatively, the Court Management Section (CMS) could reclassify the relevant page from public to confidential before re-distributing the reclassified version of the Rule 115 Motion.

List of Authorities

SCSL

Rules of Procedure and Evidence of the Special Court for Sierra Leone, as amended on 31 May 2012

Prosecutor v. Taylor, SCSL-03-01-A-1362, Leave to Refile Urgent Defence Motion to Reclassify Part of Public Annex I to Its Rule 115 Motion as Confidential, 5 December 2012

Prosecutor v. Taylor, SCSL-03-01-A-1359, Urgent Defence Motion to Reclassify Part of Public Annex I to Its Rule 115 Motion as Confidential, 4 December 2012

Prosecutor v. Taylor, SCSL-03-01-A-1354, Charles Ghankay Taylor's Motion for Disqualification of Justice Shireen Avis Fisher from Deciding the Defence Motion to Present Additional Evidence Pursuant to Rule 115, 30 November 2012

Prosecutor v. Taylor, SCSL-03-01-A-1352, Public with Public Annexes A-E, G-K and Confidential Annex F Defence Motion to Present Additional Evidence Pursuant to Rule 115, 30 November 2012